

Exhibit 33

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the August 28, 2009 Declaration of James J. Fauci In Opposition To
Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.
Local Rule 56.1 Statement of Undisputed Material Facts
in Support of Their Motion For Summary Judgment

STATE OF CONNECTICUT

COMPLEX LITIGATION

DOCKET at TOLLAND

Richard A. Feldman R.Ph. HIGHLY CONFIDENTIAL
Quincy, MA

November 18, 2005

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1 DEPOSITION of RICHARD A. FELDMAN,
2 R.Ph., called as a witness by and on behalf of the
3 Plaintiff, pursuant to the applicable provisions of
4 the Connecticut Rules of Civil Procedure, before P.
5 Jodi Ohnemus, Notary Public, Certified Shorthand
6 Reporter, Certified Realtime Reporter, and
7 Registered Merit Reporter, within and for the
8 Commonwealth of Massachusetts, at the Marriott
9 Boston at Quincy, 1000 Marriott Drive, Quincy,
10 Massachusetts, on Friday, 18 November, 2005,
11 commencing at 9:08 a.m.

Henderson Legal Services
(202) 220-4158

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1 A. Yes.

2 Q. Was there a time period during this
3 eight-year span of 1996 through 2004 when you had
4 responsibility for Roxane's multisource products,
5 as well as Boehringer Ingelheim's branded products?

6 A. Yes.

7 Q. And what was that time period?

8 MR. COVAL: You mean simultaneously or --
9 I don't think your question's very clear.

10 Q. Correct. The intent of my question is, is
11 there a particular time period when you had
12 overlapping responsibilities for Boehringer
13 Ingelheim's branded products and Roxane's
14 multisource products?

15 A. Yes.

16 Q. And what was that time period?

17 A. From 12/96 until a later date. I want to
18 say -- no, I'm just not sure.

19 Q. Approximate.

20 THE WITNESS: You can't help me, so --

21 MR. COVAL: No. I could. I can't do it
22 here, but --

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1 Q. Your attorney's not answering your
2 questions, but would -- to the best of your
3 recollection -- would about 2001 -- sometime in
4 2001 be a -- be a correct --

5 A. Yes. Thank you.

6 Q. And then after 2001, where -- was -- did
7 you then have responsibility solely for Boehringer
8 Ingelheim's products?

9 A. Yes.

10 Q. Is that when your title change occurred,
11 when you switched solely to BI product
12 responsibility?

13 A. No.

14 Q. Did your title change occur prior to that?

15 A. Yes.

16 Q. Did someone have a similar -- when you --
17 let me rephrase this. When you started -- in 2001
18 when you switched and only had responsibility for
19 BI's, brand products, was there somebody who then
20 had a similar position to you at Roxane with
21 responsibility then for the multisource products?

22 A. Yes.